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May 23, 2016

BY ECF  
Hon. Kenneth M. Karas  
United States Judge  
Southern District of New York  
300 Quarropas St.  
White Plains, New York 10601

**MEMO ENDORSED**

Re: Vaughn Scott, et.al. v. City of Mount Vernon, et.al. Index No. 13 CV 04441:  
Opposition to Plaintiff's request denying Defendants' Right to File Reply Opposition  
to Plaintiff's Partial Summary Judgment.

Your Honor,

As you know, I am outside counsel for the defendants in the above caption matter. Plaintiff's counsel has recently submitted a request to this Court to deny Defendants their legal right to respond to Plaintiff's partial motion for summary judgment. Mr. Thompson's request is based on the fact that I did not file a reply to Plaintiff's partial motion for summary judgment on May 13, 2016. This request should be denied.

First, this Court granted defendant's request to refile defendant's memorandum of law in support of summary judgment by May 13, 2016, and to adhere to the 25 page limitation. This office fully complied by refiling defendants' motion for summary judgment on May 12, 2016.

On May 4, 2016, this Honorable Court ordered that reply motion for Summary Judgment "Responses" were due by May 30, 2016. The order is clear that responses are due on May 30, 2016, as opposed to May 13, 2016, thus extending the time for both parties, including the defendants, to file responses by May 30, 2016.

It appears clear to this office that the order extending time for responding to motions for summary judgment was extended from the original date to response by May 13, 2016. To view the Court order as requested by the Plaintiff would have made Defendant's motion for summary judgment and Defendant's response to Plaintiff's partial motion for summary judgment due on May 13, 2016. Surely this was not the intent of this honorable Court.

Plaintiff's counsel is requesting this Court to deny my right to respond to Plaintiff's Partial motion for summary judgment based on the plain language set forth in your order issued on May

4, 2016, which extended the time for the responses. The language used by the Court "responses" "clearly denotes more than one response which this office interpreted as allowing both parties the right to respond by May 30, 2016.

This office in good faith has reasonably relied on the plain meaning of the word "responses" which allows both parties the right to respond by May 30, 2016. Thus, obviating the need for Defense counsel to have requested an enlargement of time prior to May 13, 2016.

I am perplexed as to Plaintiff's rationale regarding the reading of your honor's order on May 4, 2016 and how my reliance on this order amounts to willful neglect, and total disregard for the Courts established rules and regulations. Nothing could be further from the truth. Plaintiffs' counsel rational would have created and undue, unreasonable and unnecessary burden on Defendant's counsel to respond to his motion on May 13, 2016.

I therefore respectfully request this Court to deny plaintiffs' request to bar the Defendants from responding to Plaintiff's Partial Motion for Summary Judgment. //

I thank you for your consideration and understanding in this most important matter.

Respectfully submitted

/s/

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Welton K. Wisham, Esq. (ww8674)

Enclosures//  
Law Office of Welton K. Wisham

*Defendants may respond to Plaintiff's Partial  
Motion for Summary Judgment by Jun 6, 2016.*

*So ordered.*

*AK MK*  
*5/23/16*